

RESOLUTION NO. 17-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING DESIGN REVIEW 16-15 FOR A RESTAURANT AT 1761 WEST WHITTIER BOULEVARD, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The Planning Commission of the City of La Habra does hereby resolve as follows:

Section 1. The Planning Commission does hereby find and determine that:

- a. GSJ Whittier, LLC, filed an application requesting Design Review 16-15 for a restaurant at 1761 West Whittier Boulevard.
- b. The project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Categorically Exempt pursuant to Section 15303(c), Class 3: "New Construction or Conversion of Small Structures" of the CEQA Guidelines. The project is exempt as the new construction is in an urbanized area and the building will not exceed 10,000 square feet in size.
- c. The Applicant's proposal has been reviewed pursuant to the requirements of the City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, the Local Implementation Plan (LIP), and the Model Water Quality Management Plan (WQMP), Section 7.2. Since the proposal will constitute the disturbance of more than 5,000 square feet of soil, a Priority WQMP is required. A Preliminary Priority WQMP has been reviewed and approved. All work undertaken will be required to incorporate Best Management Practices (BMPs) as required by the WQMP.
- d. The Planning Commission held a duly noticed public hearing on March 13, 2017 to consider the Applicant's request of Design Review 16-15. The Planning Commission, after considering all the written and oral evidence offered including the staff report and all attachments, approves the request.

Section 2. The Planning Commission further finds and determines that:

- a. The Applicant has succeeded in meeting their burden of providing evidence to support the granting of the Design Review application.
- b. The Planning Commission hereby makes the following required findings of the Design Review pursuant to Chapter 18.68.050.A of the La Habra Municipal Code:
 1. The proposed plan is consistent with the City's General Plan.

The subject site is designated as Mixed-Use Center 1. The project implements Policies LU 2.2 (Places to Shop), LU 3.2 (Uses to Meet

Daily Needs), LU 3.8 (Cohesive and Integrated Development), LU 4.1 (Development Compatibility), LU 4.4 (Design Review), LU 11.1 (Diversity of Uses), LU 11.6 (Enhanced Design Character), LU 11.7 (Architecture and Site Design), ED 1.1 (Consumer Demand), ED 2.1 (Business Attraction), and E 2.7 (Energy Efficient Design) of the General Plan 2035.

2. The proposed plan is consistent with the City's Zoning Ordinance.

Pursuant to Section 18.32.050(D) of the Zoning Code, all new development in the C-2 zone are required to be reviewed through the Design Review provisions established in Chapter 18.68 (Design Review). The project complies with all Zoning development standards for the C-2 zone.

3. The proposed plan is in the best interest of the public health, safety, and welfare of the community.

The project involves construction of a new restaurant building that includes outdoor seating areas, parking, and new landscaping. The proposed improvements comply with all zoning and building requirements. Conditions have been placed on the project to ensure the use will not negatively impact surrounding uses such as the installation of security cameras and grease interceptor, planting and maintaining heavy vegetation to serve as a buffer along the rear property line, limitation on delivery hours, and use of an order taker.

4. The nature of the proposed land use and the design is appropriate for the proposed location and is compatible to the surrounding land uses and improvements.

The placement of restaurants within commercial zones is permitted subject to approval of a conditional use permit. All restaurants within La Habra are located within commercial zones. The operation of the proposed restaurant has been analyzed to determine what secondary effects may occur that could impact the neighboring properties. A traffic impact analysis was prepared for the entire center that reviewed the movement of vehicles onto, off of, and within the site. The study determined that the site could adequately accommodate three drive-through restaurants in the center. This would be the second proposed drive-through restaurant for the center. The other uses in the center are Chase Bank, Starbucks, Auto Zone, and a carwash.

Additionally, the Applicant held a neighborhood meeting to hear concerns regarding the placement of an In-N-Out Burger restaurant on the site. As identified during the neighborhood meeting, residents were concerned with various issues including noise,

lighting, and odors. Conditions have been placed on the project to minimize these potential impacts. The conditions included restricting delivery times to the hours of 7:00 a.m. and 8:00 p.m., requiring that the order board not face directly to the north towards the residences, and the use of an employee with a wireless headset to direct traffic and take orders versus use of the order board during peak hours, as examples.

The architectural and site design of the restaurant utilizes architectural elements, colors, and materials along with landscaping, lighting, and site amenities that comply with the "Design Manual" that was previously approved by the Planning Commission.

Therefore, the nature of the proposed land use and the design is appropriate for the proposed location and is compatible with the surrounding land uses and improvements.

5. The project complies with all requirements of the California Environmental Quality Act.

The project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Categorically Exempt pursuant to Section 15303(c), Class 3: "New Construction or Conversion of Small Structures" of the CEQA Guidelines. The project is in an urbanized area and the new building will not exceed 10,000 square feet in size.

Section 3. This action is subject to the following conditions:

General conditions:

Standard Condition 1.1 CODE COMPLIANCE

The property owner/business operator shall comply with all applicable City of La Habra Municipal Codes and Ordinances.

Standard Condition 1.2 BUILDING PERMITS

The Applicant/developer shall comply with all the applicable California/La Habra Building Code requirements and obtain all required permits from the Chief Building Official. Construction shall comply with the California/La Habra Building Code (or Residential Code), California/La Habra Plumbing Code, California/La Habra Mechanical Code, California/La Habra Electrical Code, California/La Habra Energy Code, and California/La Habra Green Building Standards Code, as applicable.

Standard Condition 1.3 GRAFFITI ABATEMENT

The property owner/business operator shall maintain the property in a clean and orderly condition at all times and remove any graffiti from the site within forty-eight hours of its discovery in matching colors to the existing improvements.

Standard Condition 1.4 LA COUNTY FIRE DEPARTMENT

The property owner/business operator shall comply with the Los Angeles County/La Habra Fire Code and Fire Department requirements, as applicable.

Standard Condition 1.5 MINOR MODIFICATIONS

The Director of Community and Economic Development or designee may approve minor modifications through the Administrative Adjustment process to the conditions of approval so long as the intent of the Planning Commission or City Council is maintained.

Standard Condition 1.6 PLANS

This approval is for those plans date stamped February 9, 2017 and which are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of March 13, 2017. A copy of said plans shall be maintained in the files of the City of La Habra Planning Division. The project shall be developed and maintained in substantial conformance with said plans, except as otherwise specified in these conditions of approval.

Standard Condition 1.8 VIOLATION

In the event that the property owner/business operator violates or fails to comply with any of the conditions of approval of this permit, the City may take measures to cure such violations, including but not limited to, administrative citation and full reimbursement of the City for its costs and expenses, including but not limited to, attorney's fees, in undertaking such corrective action. Reimbursement of enforcement costs shall constitute a civil debt and may be collected by any means permitted by law. In the event that violations of this permit occur, the City shall refrain from issuing further permits, licenses or other approvals until such violations have been fully remedied.

Standard Condition 1.9 LANDSCAPE MAINTENANCE

The Applicant/developer shall maintain landscaping in a healthy and well-kept manner at all times including the public right-of-way. Dead or damaged landscape material/vegetation shall be replaced immediately per the approved landscape plan. The irrigation system shall be maintained at all times. Trees shall be permitted to grow to their maximum height.

Standard Condition 1.10 BUILDING REPAINTING

The Applicant/developer shall maintain the building in good condition at all times and shall repaint the building and accoutrements every eight (8) years at a minimum. The Director of Community and Economic Development or designee may require more frequent painting if the improvements are not maintained in good condition.

Standard Condition 1.12 SIGN MAINTENANCE

The property owner/business operator shall maintain signs in good condition at all times and shall repaint the freestanding sign every eight years at a minimum. The Director of Community and Economic Development may require more frequent painting if the improvements are not maintained in good condition.

Standard Condition 1.15 OUTDOOR VENDING MACHINES

The property owner/business operator shall not operate or allow any outdoor vending machines on the site at any time.

Standard Condition 1.17 PUBLIC PAY PHONES

The property owner/business operator shall, at all times, prohibit the installation and use of exterior public pay telephones.

Standard Condition 1.18 LITTER

The property owner/business operator shall maintain the property in a clean and orderly condition at all times and remove all litter from the exterior areas around the premises, including adjacent public sidewalk areas and parking areas, no less frequently than once each day prior to the close of business.

Standard Condition 1.23 ON-SITE DRAINAGE

The Applicant/developer shall be responsible for the construction of all on-site drainage facilities as required by the City Engineer.

Standard Condition 2.3 RECIPROCAL EASEMENTS

The Applicant/developer shall provide reciprocal easements ensuring access to all parcels over private roads to the satisfaction of the City Engineer.

Standard Condition 8.5 BUILDING OCCUPANCY (Modified)

The property owner/business operator shall ensure that the building occupancy limit established by Chief Building Official is not exceeded at all times.

Prior to the issuance of grading permits:

Standard Condition 3.4 SOILS REPORT

The Applicant/developer shall provide a geotechnical investigation report prepared by a qualified engineer to Chief Building Official for review and approval.

Standard Condition 3.9 UTILITY PLANS

The Applicant/developer shall provide all utility plans to be reviewed and approved by the Director of Community and Economic Development or designee and the City Engineer.

Standard Condition 3.11 GRADING (Modified)

The Applicant/developer shall grade the subject property in accordance with the Grading Ordinance and to the satisfaction of the Chief Building Official. A grading plan shall be submitted by the Applicant/developer for review and approval. Grading shall be in substantial conformance to the site plan that is approved by the Planning Commission. Surety shall be posted to the satisfaction of the Chief Building Official and the City Attorney guaranteeing completion of grading within the project.

Prior to the issuance of building permits:

Standard Condition 4.1 CONDITIONS ON CONSTRUCTION PLANS

The Applicant/developer shall include the conditions of approval of this resolution on the construction plans.

Standard Condition 4.8 WATER SUPPLY AND SEWER FACILITIES

The Applicant/developer shall ensure that the water supply facilities and sewer facilities be designed and constructed to the specifications of the City of La Habra and the Public Works Director with all incidental fees and costs paid by the Applicant. The sewer and water facility will be maintained by the Applicant/developer.

Standard Condition 4.10 SITE LIGHTING PLAN

The Applicant/developer shall submit a site lighting plan in conformance with city standards for review and approval by the Chief Building Official and the Director of Community and Economic Development or designee prior to the issuance of building permits. The plan shall ensure that all exterior lighting (i.e., parking areas, building areas, and entries) shall employ illumination in a manner that meets the approval of the Chief Building Official and the Director of Community and Economic Development or designee before Building Permits are issued. All light fixtures shall be designed and located in a manner that does not allow spill-over onto adjacent properties.

Standard Condition 4.11 STREET LIGHT INSTALLATION

The Applicant/developer shall be responsible for installing new street lights to include footings with electrical wiring conduits placed underground, to the satisfaction of the City Engineer and Southern California Edison Company and the advance energy charges paid. Proof of installation order of the actual street lights shall be provided prior to building permit issuance.

Standard Condition 4.14 PARKING LOT STRUCTURAL SECTIONS

The Applicant/developer shall provide parking lot structural sections, which shall be based on recommendations of a soils engineer, to be approved by the City Engineer.

Standard Condition 4.15 SERVICE TRUCK ACCESS

The Applicant/developer shall provide access for service trucks across prepared surfaces suitable for continuous heavy truck usage, as determined by the City Engineer.

Standard Condition 4.17 UNDERGROUND UTILITIES

The Applicant/developer shall provide a plan to the City Engineer showing that all on-site utilities within the project will be installed underground in accordance with current utility practices. All on-site utilities shall be installed prior to building permit issuance and before any on-site paving. All existing aerial utilities shall be removed and/or placed underground including street light wires and other overhead wires. The City Engineer shall have the right to comment, modify, approve or disapprove the utility plan for each utility.

Standard Condition 4.18 WATER AND/OR SEWER SERVICE

The Applicant/developer shall submit development plans of the property to the Public Works Department so that the water development company can establish the Terms and Conditions for Water and/or Sewer Service.

Standard Condition 4.19 ENHANCED CONCRETE DRIVEWAYS

The developer shall install decorative enhanced concrete, such as stamped and colored, in the entrances within the street front setback to the satisfaction of the Director of Community and Economic Development or designee.

Standard Condition 4.20 FIRE HYDRANTS

The Applicant/developer shall install new public fire hydrant(s) to the satisfaction of the Los Angeles County Fire Department and City Engineer.

Standard Condition 4.22 LANDSCAPE PLANS (Modified)

The Applicant/developer shall submit for review and approval detailed landscape and irrigation plans prepared by a licensed landscape architect to the Director of Community and Economic Development or designee and the Director of Public Works. The plan shall include the use of a separate connection, backflow preventer and connection for future reclaimed water service. At a minimum, tree size shall be 24 inch box and shrubs shall be five gallon size. The planting pallet shall be consistent with the approved Design Guidelines document for the center and shall include a row of trees along the north property line a minimum of 36 inch box size.

Standard Condition 4.24 SECURITY AND CAMERA PLANS
(Modified)

The Applicant/developer shall submit a high definition security camera system plan identifying the proposed camera locations to the Chief of Police for approval. All recordings shall be kept on file for a minimum of 30 days and be available to the City upon request. Said plan shall also include cameras to cover the trash enclosure at the rear of the building to discourage illegal dumping. Additionally, signage shall be placed in the parking lots indicating that security cameras are in use.

Standard Condition 4.25 TRASH ENCLOSURE (Modified)

The Applicant/developer shall provide plans to install a six-foot tall decorative masonry block trash enclosure constructed to City standards to contain a three-yard refuse bin and a ninety-six gallon recycling cart. The trash enclosure is to be finished to match the design of the main building. Said trash enclosure shall include provisions for a solid roofed cover, hose bib, and an

area drain connected to the sanitary sewer system. The design and location is subject to approval by the City Engineer and Director of Community and Economic Development or designee.

Standard Condition 4.27 PRE-CONSTRUCTION MEETING

The Applicant/developer shall have a pre-construction meeting with City staff prior to any construction activity occurring, to the satisfaction of the Director of Community and Economic Development.

Standard Condition 4.29 RECYCLING PLAN

The property owner/business operator shall prepare construction and demolition waste recycling plans for review and approval by the Director of Public Works.

Standard Condition 4.33 TRAFFIC IMPROVEMENT FEES

The Applicant/developer shall pay \$8,247 related to the requirements of the Citywide Traffic Improvement Fee, prior to the issuance of building permits, to the satisfaction of the City Engineer.

Standard Condition 4.34 FAIR SHARE TRAFFIC IMPACT FEES

The Applicant/developer shall pay \$60,480 related to the requirements of the Fair Share Traffic Impact Fee prior to issuance of building permits.

Prior to authorization to use, occupy, and/or operate:

Standard Condition 1.21 SIDEWALK INSTALLATION

The Applicant/developer shall provide for a meandering sidewalk 5 feet in width on the north side of Whittier Boulevard prior to issuance of Certificate of Occupancy.

Standard Condition 5.3 INSTALLATION OF TRAFFIC STRIPING AND
SIGNING

The Applicant/developer shall install all required traffic striping and signing to the satisfaction of the City Engineer.

Standard Condition 5.4 STREET LIGHT INSTALLATION

The required street lights shall be installed to the satisfaction of the City Engineer and Southern California Edison.

Standard Condition 5.7 LANDSCAPE INSTALLATION

The Applicant/developer shall install all required landscape and irrigation systems as per the approved plans to the satisfaction of the Director of Community and Economic Development or designee. Upon final inspection, staff will verify quantity, size, placement, and health of all plant material, at which time staff may require replacement or addition of landscaping materials to ensure a high quality planting.

Standard Condition 5.15 BICYCLE FACILITIES (Modified)

The Applicant/business operator shall install and maintain a bicycle rack on-site in a convenient location prior to issuance of Certificate of Occupancy, to the satisfaction of the Director of Community and Economic Development. A bicycle rack, capable of holding a minimum of two bicycles, shall be placed on the site near the front of the building, at a location to be reviewed and approved by the Director of Community and Economic Development and installed prior to issuance of a Certificate of Occupancy.

Standard Condition 7.16 NOISE/LOITERING PREVENTION

The property owner/business operator shall, at all times, display a sign of at least ten inches by ten inches at all exits and within the parking area, requesting patrons to respect residents of the adjacent residential neighborhood by being quiet when leaving and by not loitering in the parking lot. Said signage shall include point of contact information such as a manager, to include phone number, to the satisfaction of the Director of Community and Economic Development or designee.

Standard Condition 8.1 GREASE INTERCEPTORS

The property owner/business operator shall provide a grease interceptor at a location where it shall be easily accessible for inspection, cleaning and removal of accumulated grease. The sizing and installation shall conform to the current California/La Habra Plumbing Code. The grease interceptor shall be constructed in accordance with plans approved by the Director of Public Works and the Chief Building Official. The property owner/business operator shall contract with a maintenance company for maintenance and cleaning of the grease interceptor based on a maintenance schedule approved by the Director of Public Works.

Standard Condition 8.2 SANITARY SEWER SYSTEM PROTECTION

The property owner/business operator shall not, at any time, allow grease to run into public sanitary sewer systems.

Project specific conditions:

1. The approval for Design Review 16-15 is contingent upon the approval of Conditional Use Permit 16-17 and the conditions of approval contained therein.
2. The Applicant/developer shall submit a Lot Line Adjustment and receive approval by the City Engineer and Orange County Surveyor's office for the Lot Line Adjustment, including payment of all related fees and submittal of title reports, and prepare and record a new deed for each of the resultant properties prior to issuance of Certificate of Occupancy, to the satisfaction of the City Engineer.
3. The property owner/business operator shall limit all deliveries and maintenance activities to between the hours of operation of 7:00 a.m. to 8:00 p.m. daily. The hours of operation of the restaurant shall be limited to 10:30 a.m. to 1:30 a.m. Friday and Saturday and 10:30 a.m. to 1:00 a.m. Sunday through Thursday.
4. The property owner/business operator shall orient the order board loudspeaker to the south and limit the volume of the speaker to the lowest level possible.
5. The property owner/business operator shall employ the use of an employee with a wireless headset to direct vehicles and take orders prior to the order board during peak hours and between the hours of 10:00 p.m. and closing time.
6. The Applicant/developer shall provide and maintain serviceable vehicular access throughout the construction areas to all required fire hydrants to the satisfaction of the Los Angeles County Fire Department.
7. The project Applicant/developer shall submit to Caltrans for their review and approval all improvements within the Whittier Boulevard right-of-way prior to issuance of building permits.
8. The Applicant/developer shall construct a meandering sidewalk along Whittier Boulevard with the final design to be approved by the Director of Community Development and the City Engineer. An access agreement shall be provided to the City to allow for the sidewalk to meander into the required front landscape setback area prior to the issuance of a Certificate of Occupancy.
9. The Applicant/developer shall prepare a precise landscape and irrigation plan to be submitted and approved by the Director of Community and Economic Development or designee for the public right-of-way and front landscape setback area that creates an inviting environment that

encourages walkability prior to the issuance of Building Permits. The plan shall utilize landscape planters to separate the walkway from the street and provide shade cover for pedestrians with the use of trees. In addition, the property owner shall be responsible for the maintenance of all improvements from the curb face to the property line.

10. The Applicant/developer shall provide up lighting of all trees within the front landscape area prior to the issuance of Certificates of Occupancy.
11. The Applicant/developer shall provide site amenities and improvements that are consistent with the approved Design Standards Guidelines document to include placing stone veneer on the base of the free-standing signs.
12. The Applicant/developer shall ensure that all on-site lighting be contained on site and shall not glare onto any adjacent properties, which may include the installation of shields or other devices, to the satisfaction of the Chief Building Official and the Director of Community and Economic Development or designee prior to issuance of Certificate of Occupancy.
13. The Applicant/business operator shall utilize back-lighting or halo lighting on the wall sign on the north side of the building to the satisfaction of the Director of Community and Economic Development or designee.
14. The Applicant/business operator shall install particulate and odor control devices on the exhaust vents, referred to as Pollution Control Units, prior to issuance of Certificate of Occupancy, to the satisfaction of the Director of Community and Economic Development or designee.
15. The Applicant/business operator shall install and maintain the Plexiglas barrier on the north side of the covered outdoor dining area to the satisfaction of the Director of Community and Economic Development or designee.
16. The Applicant/business operator shall require all employees to park in the northern-most parking spaces against the masonry wall, to the satisfaction of the Director of Community and Economic Development or designee.
17. The developer shall prepare an analysis that documents the total energy savings of the project versus the Building Codes, including the use of energy efficient appliances, lighting, and alternative-energy infrastructure showing a 20% reduction in energy use prior to the issuance of building permits, pursuant to the requirements of the City's approved Climate Action Plan.
18. The Applicant/business operator shall submit an annual waste collection performance report to the Director of Public Works or designee as required.

19. The Applicant/developer shall have all above ground utility boxes located on and off site be architecturally enhanced so as to minimize their visual impact to the public as approved by the Director of Community and Economic Development and as acceptable to the utility company or governmental agency. A plan detailing the architectural enhancements shall be approved prior to issuance of building permits. The Applicant/developer shall be required to maintain the approved enhancement at all times.

Section 4. Based upon the foregoing, the Planning Commission of the City of La Habra approves Design Review 16-15. The Planning Commission Secretary shall certify to the adoption of this resolution and forward a copy to the Applicant.

Said motion CARRIED by the following roll call vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

Dated: March 13, 2017

ATTEST: _____ APPROVED: _____
Carmen G. Henderson, Secretary Chairman, Jerry Powell